

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VICTOR DEOLEO,
Plaintiff,

v.

**UNITED STATES LIABILITY
INSURANCE COMPANY,**
Defendant.

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Civ. No. 20-2301

AMENDED SCHEDULING ORDER

AND NOW, this 29th day of October, 2020, it is **ORDERED** as follows:

1. A trial for the above-captioned case shall be held on **March 23, 2021, at 9:30 a.m** in Courtroom 14A, United States District Court, 601 Market Street, Philadelphia, PA 19106;
2. A final pretrial conference is scheduled for **March 17, 2021, at 10:00 a.m.** in Room 14614, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the Court as soon as any conflict becomes known so the Court may consider rescheduling the conference. Unless the Court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each Plaintiff and Defendant or, in the case of a corporate Party, a representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of Court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

As outlined below, all motions *in limine*, evidentiary motions, stipulations of facts, all depositions that will be introduced as testimony, and any and all other legal disputes that the Parties are aware of shall be due before the final pretrial conference so that they may be resolved before trial begins;

3. Plaintiff shall file an amended complaint **no later than November 2, 2020**. Defendant shall file any motion to dismiss **no later than November 17, 2020**. Plaintiff will file his

opposition to any motion to dismiss **no later than November 24, 2020**. Defendant may file any reply in support of its motion **no later than December 1, 2020**, Plaintiff will file any sur-reply **no later than December 8, 2020**.

4. The Parties shall propound all interrogatories and requests for document production **no later than November 23, 2020**. The Parties shall respond to all written discovery requests **no later than December 7, 2020**. THESE RESPONSES SHALL INCLUDE ALL INITIAL DISCLOSURES CONTEMPLATED BY RULE 26(a)(1). All discovery shall proceed and continue in such manner as will assure that all requests for, and responses to, discovery will be noticed, served, and completed **no later than December 23, 2020**. The Parties shall conduct all discovery remotely (e.g. exchanging documents electronically; taking depositions by videoconference), as necessary to comply with this deadline, pending further order;
5. This matter is referred to United States Magistrate Judge Timothy R. Rice for a settlement conference on or about **December 30, 2020**. PLAINTIFF'S COUNSEL SHALL CONTACT DEFENDANT'S COUNSEL, AND THEN THE PARTIES SHALL JOINTLY CONTACT JUDGE RICE'S CHAMBERS TO ARRANGE THIS CONFERENCE. If the Parties believe that a settlement conference would be helpful at an earlier time, they are directed to contact Judge Rice to schedule the same. Judge Rice will require that lead counsel and Parties with full settlement authority attend the conference;
6. Any summary judgment motion or other dispositive motion, together with supporting brief, shall be filed **no later than January 6, 2021**. Responses shall be filed **no later than January 20, 2021**;
7. Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendant **no later than February 19, 2021**. Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts **no later than February 23, 2021**. Plaintiff is obligated to respond **no later than February 26, 2021**;
8. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-

marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the Party's case-in-chief except by leave of Court;

9. Counsel for each Party shall serve upon counsel for the other Party **no later than February 26, 2021**:

- a. a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
- b. curriculum vitae for each expert witness expected to testify; and
- c. a specific identification of each discovery item expected to be offered into evidence;

10. Counsel shall also provide the Court with one copy of all of these items in a tabbed, three-ring binder, complete with table of contents, **no later than February 26, 2021**;

11. As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given **no later than February 26, 2021**;

12. All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of Court. Any Party who intends to use deposition testimony at trial must submit deposition designations by **February 19, 2021**. Counter-designations shall be submitted by **February 23, 2021**. Objections to the designations shall be submitted **no later than February 26, 2021**;

13. Any other pretrial or trial matter requiring attention of the judge prior to trial, shall be specifically addressed in the final pretrial conference;

14. All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda by **March 5, 2021**;

15. All motions *in limine* shall be filed **no later than March 5, 2021**. Responses thereto are due **no later than March 12, 2021**;
16. **No later than March 5, 2021**, after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions a tabbed, three-ring binder, complete with table of contents. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in hard copy and on a flash drive to the Court;
17. **No later than March 12, 2021**, the Parties shall jointly submit to the Court a tabbed, three-ring binder, complete with table of contents, containing each of the following:
- a. Answer;
 - b. Complaint;
 - c. Plaintiff's Pretrial Memorandum;
 - d. Defendants' Pretrial Memorandum;
 - e. Stipulated Facts;
 - f. Jointly Proposed Jury *Voir Dire* Questions (and any not agreed upon);
 - g. Jointly Proposed Jury Interrogatories (and any not agreed upon);
 - h. Jointly Proposed Jury Instructions (and any not agreed upon); and
 - i. Jointly Proposed Verdict Sheet; and
18. The Parties shall also provide the Court with an electronic copy of the above documents in Word format.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

October 29, 2020

Paul S. Diamond, J.